

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
(FORT WORTH DIVISION)**

NEXTGEAR CAPITAL, INC. AND
AUTOMOTIVE FINANCE
CORPORATION,

Plaintiffs,

v.

DRUIEN, INC. D/B/A LAWTON AUTO
AUCTION A/K/A LAWTON CACHE
AUTO AUCTION, LISA DRUIEN,
MICHAEL VERNON GARRISON D/B/A
ROCK HILL USED CARS, AND
EMMETT DRUIEN,

Defendants.

Civil Action No. 4:20-cv-00959-BJ

MOTION FOR ENTRY OF DEFAULT UNDER FED. R. CIV. P. 55(a)

The plaintiffs in this action, NextGear Capital, Inc. (“NextGear”) and Automotive Finance Corporation (“AFC”) (collectively the “Plaintiffs”), by counsel, files this its Motion for Entry of Default Under Fed. R. Civ. P. 55(a), and in support thereof would respectfully show the Court as follows:

1. The name of the Defendant against whom a Default Judgment is sought is Emmett Druen.
2. Plaintiffs filed their Second Amended Complaint in the above-captioned proceeding on March 25, 2021.
3. On March 31, 2021, the Summons in a Civil Action and the Plaintiff’s Second Amended Complaint were served on the Defendant Emmett Druen by a private process server as stated on the Return of Service. Attached hereto as Exhibit “A” is the Return of Service showing the summons service executed on Defendant Emmett Druen which was filed with the Court on

April 22, 2021 [Doc. # 86].

4. The time for filing an Answer or other response expired on April 21, 2021.

5. No answer or other response has been filed or served by the Defendant Emmett Druen on the Plaintiffs.

6. The default of Defendant Emmett Druen is hereby requested and the Clerk of the Court should enter a Default.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Clerk of the Court enter a Default against the Defendant Emmett Druen.

Respectfully submitted,

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Attorneys for NextGear and AFC

CERTIFICATE OF SERVICE

This is to certify that on April 23, 2021, a true and correct copy of the foregoing has been forwarded to defendant M. Garrison, *pro se*, at 549 i-30 E., Sulphur Springs, Texas 75482, via certified mail, return receipt requested and via email at dgarrison31@hotmail.com, and Druien, Inc. d/b/a Lawton Auto Auction a/k/a Lawton Cache Auto Auction and Lisa Druien, by and through their counsel of record, Joseph M. Vacek and Richard Tallini, of Bailey & Galyen at 1300 Summit Avenue, Suite 650, Fort Worth, Texas 76102, via ECF and/or e-mail at jvacek@galyen and rtallini@galyen.com.

/s/ Christopher V. Arisco
Christopher V. Arisco